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THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS & ENERGY

Petition of NeuStar, Inc. as the
North American Numbering Plan Administrator, D.T.E. 00-64
and on behalf of the Massachusetts
telecommunications industry,
for area code relief for the 413 area
code in Western Massachusetts

COMMENTS OF VERIZON WIRELESS
ON PROPOSED AREA CODE RELIEF PLAN
FOR WESTERN MASSACHUSETTS

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October 27, 2000

INTRODUCTION

Verizon Wireless(1)

joins in the industry consensus recommending area code relief for Western Massachusetts in the form of an all-services distributed overlay. As the Department recognizes, (2) the three-part standard to be employed in evaluating the petition is whether the proposed relief will

(1) facilitate entry into the communications marketplace by making numbering resources available on an efficient and timely basis;

(2) not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and

(3) not unduly favor one telecommunications technology over another. (3)

An all-services distributed overlay satisfies all three of these requirements.

The Department stated in opening this docket that area code relief in NPA 413 must be addressed now, even if authority is eventually granted to implement number conservation techniques. (4) The Department's willingness to determine a relief plan is sound public policy, in light of a projected exhaust of area code 413 in a year and a half. There is no principled reason for a relief decision to await a declaration of jeopardy. Rationing of telephone numbers--which is an artificial constraint on number supply-- can and should be avoided. A decision now that tees up area code relief to be implemented when needed would comply with the FCC's mandate to states to "take all necessary steps to prepare an NPA relief plan that may be adopted by the state commission when numbering resources in the NPA are in imminent danger of being exhausted." (5)

I. ALL-SERVICES DISTRIBUTED OVERLAY RELIEF WILL FACILITATE ENTRY INTO THE MARKETPLACE BY MAKING NUMBERING RESOURCES AVAILABLE TIMELY AND EFFICIENTLY.

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A. Timely relief can be made available if the Department acts promptly.

If the Department soon determines an area code relief plan for Western Massachusetts, new numbering resources will be available in the region before the projected exhaust date of first quarter 2002. Verizon Wireless joins in the industry request that the Department order a six-month network preparation period followed by a twelve-month permissive dialing period. As AT&T Communications has pointed out, for seven- or ten-digit permissive dialing to begin by April 15, 2001, the Department must act no later than November 15, 2000. (6)

Verizon Wireless endorses such prompt action. The need for additional numbering resources is clear. By contrast, the timeframe for issuance of the requested additional delegation of authority to implement number conservation methods is uncertain. To ensure that carriers will have access to numbers the Department should be ready with additional numbering resources in the event that additional delegated conservation authority is not granted timely. Moreover, an area code relief plan be decided prior to the declaration of jeopardy in NPA 413, as has happened so often in the eastern Massachusetts NPAs and in many other states.

B. Overlay area code relief is the most efficient approach.

1. Overlays spare customers forced number changes. As the petition indicates, an overlay would spare existing customers from having to change their telephone numbers. In contrast, a geographic split would require thousands of customers in Western Massachusetts to change their area code.

2. An overlay will allow more flexibility to assign Massachusetts resources once number conservation measures are adopted. The distributed overlay provides the citizens of Western Massachusetts with future flexibility when conservation measures free up numbering resources. With an overlay in place, number conservation measures can, in effect, work retroactively. Freed-up numbers can be utilized throughout NPA 413. Moreover, customers who were assigned numbers with the new area code could choose to switch back to a freed-up 413 number. If a geographic split is implemented, however, customers who have had their area code changed will no longer have access to any 413 numbers that conservation may release. Once a split is implemented, there is no going back.

3. An overlay in Western Massachusetts will standardize dialing patterns throughout the Commonwealth. Although an overlay requires permanent ten-digit dialing, ten-digit dialing is already routine for Western Massachusetts customers who make calls to the four NPAs in Eastern Massachusetts. A split would not avoid this circumstance. In fact, if a geographic split were adopted, the frequency of ten-digit dialing would accelerate because the universe of numbers dialable with seven digits would shrink further. If, for some Western Massachusetts customers, an additional dialing burden is associated with dialing three extra digits, speed and automatic dialing can ease the transition. The Department has recognized that ten-digit dialing is routine for Eastern Massachusetts citizens, and that "the trend nationally is to ten-digit dialing." (7)

4. Overlays are fair to wireless customers. Cellular customers would be burdened uniquely by a geographic split. The telephone number of each cellular phone customer is programmed or coded into the customer's individual phone. Any time a cellular customer's phone number or area code is changed, the phone unit must be programmed manually (typically, by a technician), causing inconvenience to each customer. Some customers must incur significant personal costs from reading Verizon Wireless' notices, taking carrier telephone calls, traveling to service centers, etc. By contrast, an overlay would not entail any reprogramming costs for the thousands of wireless customers in Western Massachusetts.

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5. Any future relief can be added easily once an overlay is implemented. With a distributed all-services overlay in place, Western Massachusetts can add new numbers without splitting communities, drawing difficult boundaries, or holding additional proceedings. Furthermore, new area codes can be added quickly because permissive dialing periods to introduce a new area code in one geographic region would not be necessary. A geographic split, on the other hand, would require more proceedings, a permissive dialing period and more customer disruption.

6. The alleged disadvantages of the overlay can be managed. Alleged disadvantages with the overlay approach (ten-digit dialing and competitiveness concerns) are either moot or can be managed. FCC requirements for overlays ensure that the overlay option is competitively fair for CLECs. The FCC has determined that the ten-digit dialing requirement would "ensure that competition will not be deterred in overlay area codes as a result of dialing disparity." (8) While the FCC declined to require Local Number Portability (which allows customers to keep their area codes when they switch providers) as a prerequisite to overlay implementation, (9) the existence of Local Number Portability for wireline carriers in Western Massachusetts moots any anti-competitive claims that might be made. (10)

7. Another geographic split in Massachusetts would create significant burdens that should be avoided. Millions of residents and businesses will be forced to change their phone numbers under a geographic split. Under a geographic split, thousands of Western Massachusetts subscribers would be required to adopt a new area code. Businesses and residents would incur significant costs to repaint vehicles, make new signs, reprint business cards and letterhead, and update records; to reprogram telephones, fax machines, rolodexes and computer equipment; and to notify those who have their current telephone number about the new area code. Moreover, a geographic split requires reprogramming and notification efforts with each successive split.

In addition, recent experience in the Commonwealth confirms that a geographic split lacks the longevity of an overlay. On January 23, 1997 the Department ordered a split of NPAs 617 and 508, creating area codes 781 and 978 which were intended to last for several years. Jeopardy was declared in area codes 781 and 978 the very same month that the new codes were to be implemented. And, within fifteen months of the split order, NPAs 617 and 508 were declared in jeopardy again. By contrast, an overlay will provide a supply of numbers that will be available throughout Western Massachusetts without regard to the rate of usage in any particular part of the region. If the numbers are exhausted, another overlay can be ordered without carving up the state into ever-smaller NPAs.

II. IF THE DEPARTMENT ORDERS A GEOGRAPHIC SPLIT, THEN EXISTING WIRELESS TELEPHONE NUMBERS SHOULD BE "GRANDFATHERED," AS THE DEPARTMENT ORDERED IN EASTERN MASSACHUSETTS.

The Department is familiar with the disproportionate burden on Type II (11) wireless customers and carriers that results from a geographic split. That burden results from the need to reprogram wireless handsets using Type II numbers with the customer's new telephone number because, unlike wireline telephone numbers, the telephone number of each cellular phone customer is programmed or coded into the customer's individual phone. In Eastern Massachusetts, the Department accommodated wireless customers by allowing discretionary "grandfathering" of wireless telephone numbers. (12) Grandfathering gives customers with wireless telephone numbers in the original 413 area code the choice to continue using those area codes, even if the customers or their billing addresses are located in the geographic region that split and gained a new area code. Thus, customers who wish to change their area code may do so, and those who wish to retain their phone number may also do so. Verizon

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Wireless urges the Department to grandfather Type II wireless customers, as it did in Eastern Massachusetts, if a geographic split is ordered and, thereby, avoid imposing significant costs on one industry segment and its customers.

The Federal Communications Commission has recently affirmed the Department's delegated authority to grandfather Type II wireless numbers in the event of a geographic split. (13) In approving wireless grandfathering, the FCC recognized that grandfathering is a means of distributing more equitably the burdens of a geographic split. (14) The FCC suggested that states consider factors such as the number of wireless customers affected, the location of wireless customers, and the type of interconnection the wireless carriers are using. (15)

Verizon Wireless anticipates that the parties to this proceeding will not disagree that grandfathering for Type II cellular customers affected by a geographic split should be adopted if another split is ordered. This unanimity reflects recognition of the unique and disproportionate burdens imposed on cellular providers and customers by a geographic split. (16)

CONCLUSION

The overlay is the superior form of relief because it best meets the goal of providing long-term area code relief while causing the least possible customer disruption. An overlay would eliminate the need to change existing phone numbers and will develop a framework for future seamless additions of area codes. The overlay minimizes costs to customers and providers and maximizes economic efficiency and length of relief. Given these attributes, the Department should order the overlay form of area code relief for Western Massachusetts.

A geographic split would be a shortsighted solution. Proponents justify the geographic split, and its related burdens, on speculative competitiveness grounds that are moot given the implementation of Local Number Portability and ten-digit dialing. If a split is adopted nonetheless, affected Type II cellular customers should be grandfathered.

Respectfully submitted,

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Dated: October 27, 2000

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competitor that offers wireless products and services coast-to-coast, combining certain domestic cellular, paging, and PCS businesses of Bell Atlantic Mobile, Vodafone AirTouch, PrimeCo Personal Communications, L.P., and GTE Wireless.

2.

2 Vote to Open Investigation, D.T.E. 00-64, Section II.

3. 3 47 C.F.R. §52.9(a).

4.

4 Vote to Open Investigation, D.T.E. 00-64, Section II.

5. 5 In the Matter of Numbering Resource Optimization, Order, CC Docket No. 99-200, ¶ 17 (July 20, 2000).

6. 6 Initial Comments of AT&T Communications of New England, Inc. at 1.

7. 7 Petition of Lockheed Martin IMS, the North American Numbering Plan Administrator, for area code relief for the 508, 617, 781 and 978 area codes in Eastern Massachusetts, D.T.E. 99-11, Order (D.T.E. April 25, 2000), at 31.

8. 8 In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, et al., Second Report and Order and Memorandum Opinion and Order, Federal Communications Commission (Aug. 8, 1996) ["Second Report & Order"] at 121, ¶1287.

9. 9 Second Report and Order at 123, ¶1290.

10. 10 See In the Matter of the Application and Final Recommendation of the Numbering Plan Administrator for Relief of the 303 Area Code, Public Utilities Commission of the State of Colorado, 179 P.U.R. 4th #377 (July 20, 1997) (ordering overlay and concluding that the combination of LNP and proper conservation and management of remaining NXX codes, along with FCC-required ten-digit dialing and NXX set-asides, will significantly level the playing field between CLECs and ILECs).

11. 11 Type II wireless telephone numbers are available to subscribers from tandem switches; they are not tied to a geographic location. Type I wireless numbers are based on wireline rate centers, and share exchange codes with wireline customers. In re: Implementation of Local Competition Provisions, Third Order on Reconsideration of Second Report & Order & Memo. Opinion & Order, CC Docket No. 96-98, FCC 99-243 (FCC Oct. 21, 1999) ["Third Report & Order"], ¶¶ 58 and 61.

12. 12 Order on Motions by Bell Atlantic Nynex Mobile for Clarification and/or Reconsideration, et als., D.P.U. 96-61-A, (1997), at pages 4-6.

13. 13 Petition for Declaratory Ruling regarding Area Code Relief Plan for Area Codes 508 and 617, filed by the Massachusetts Department of Public Utilities, Third Report & Order, at ¶168.

14. 14 Third Report & Order, ¶¶168 and 69.

15. 15 Third Report & Order, ¶168, note 271.

16. 16 Other states have also grandfathered Type II cellular customers affected by a geographic split of an area code. See In the Matter of an Investigation of the Efficient Usage of Telephone Numbering Resources and Evaluation of the Options for Making Additional Central Office Codes and/or Area Codes Available in New York State, Opinion and Order Directing a Geographic Split of the 716 NPA, Case 99-C-0800 (PSC May 22, 2000); In the Matter of the Request for Board Guidance on Area Code Relief Plans for the New Jersey 609 Area Code, Decision and Order, Docket No. T096100763 (New Jersey Board of Public Utilities Feb. 3, 1999), at page 28, as

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amended in Order of Approval October 13, 2000; In the Matter of the Request for Board Guidance on Area Code Relief Plans for the New Jersey 201 and 908 Area Codes, Order on Reconsideration, Docket No. T096020132 (New Jersey Board of Public Utilities July 16, 1997), as amended in Order of Approval October 13, 2000.